

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health &
3 Safety Committee:

4
5
6 **ORDINANCE 2021-242-E**

7 AN ORDINANCE APPROPRIATING \$100,000.00 IN
8 FUND BALANCE FROM THE ENVIRONMENTAL
9 PROTECTION FUND TO ASSIST IN THE ECOLOGICAL
10 RESTORATION OF HOGANS CREEK BY PROVIDING
11 FUNDING TO GROUNDWORK JACKSONVILLE, INC. FOR
12 PRELIMINARY DESIGN AND FEASIBILITY
13 ASSESSMENT OF THE ECOLOGICAL RESTORATION OF
14 HOGANS CREEK, AS INITIATED BY REVISED B.T.
15 21-067; PROVIDING A CARRYOVER OF FUNDS
16 THROUGH SEPTEMBER 30, 2023; INVOKING THE
17 EXCEPTION OF SECTION 126.107(G)
18 (EXEMPTIONS), CHAPTER 126 (PROCUREMENT
19 CODE), *ORDINANCE CODE*, TO DIRECT CONTRACT
20 WITH GROUNDWORK JACKSONVILLE, INC.;
21 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
22 DESIGNEE, AND THE CORPORATION SECRETARY TO
23 EXECUTE AND DELIVER THAT CERTAIN FUNDING
24 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE
25 AND GROUNDWORK JACKSONVILLE, INC.; WAIVING
26 SECTION 110.112 (ADVANCE OF CITY FUNDS;
27 PROHIBITION AGAINST), PART 1 (THE CITY
28 TREASURY), CHAPTER 110 (CITY TREASURY),
29 *ORDINANCE CODE*, TO ALLOW FOR A PARTIAL
30 ADVANCE PAYMENT BY THE CITY; PROVIDING FOR

CITY OVERSIGHT BY THE NEIGHBORHOODS DEPARTMENT, ENVIRONMENTAL QUALITY DIVISION; REQUIRING ANNUAL REPORTS AND A FINAL REPORT TO JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Appropriation. For the 2020-2021 fiscal year, within the City's budget, there are hereby appropriated the indicated sum(s) from the account(s) listed in subsection (a) to the account(s) listed in subsection (b):

(Revised B.T. 21-067 attached hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Revised B.T. 21-067, May 17, 2021 - NCSPHS" and incorporated herein by this reference)

(a) Appropriated from:

See Revised B.T. 21-067 \$100,000.00

(b) Appropriated to:

See Revised B.T. 21-067 \$100,000.00

(c) Explanation of appropriation

The funding above is appropriating fund balance from the Environmental Protection Fund to fund a portion of the preliminary design and feasibility assessment of the ecological restoration of Hogans Creek (the "Project").

Section 2. Carryover. The funds appropriated in Section 1 of this ordinance shall not lapse but shall carryover into fiscal year 2022-2023.

Section 3. Purpose. The purpose of the appropriation in Section 1 is to provide funding to Groundwork Jacksonville, Inc. ("Groundwork") for the Project which shall be completed pursuant to the terms, conditions and scope of work more particularly

1 described in that certain Funding Agreement between the City of
2 Jacksonville and Groundwork Jacksonville, Inc., as approved and
3 authorized in Section 5 below. The Environmental Protection
4 Board approved this expenditure of the Environmental Protection
5 Fund at its meeting on January 19, 2021.

6 **Section 4. Invoking the exception pursuant to Section**
7 **126.107(g), Ordinance Code.** The City is hereby authorized to
8 enter into the Agreement authorized in Section 5 below. Pursuant to
9 Section 126.107(g) (Exemptions), Part 1 (General Regulations),
10 Chapter 126 (Procurement Code), *Ordinance Code*, such procurement is
11 exempted from competitive solicitation because the supplies of
12 services are to be provided by those specifically prescribed within
13 authorizing legislation that appropriates the same. With the
14 exception of the foregoing, all other provisions of Chapter 126,
15 *Ordinance Code*, shall remain in full force and effect.

16 **Section 5. Approval and Authorizing the Agreement.** There
17 is hereby approved, and the Mayor or his designee, and the
18 Corporation Secretary are hereby authorized, to execute and
19 deliver, for and on behalf of the City, that certain Funding
20 Agreement between the City of Jacksonville and Groundwork
21 Jacksonville, Inc. (the "Agreement"), substantially in the form
22 placed **Revised On File** with the Office of Legislative Services, and
23 any respective extension or amendments thereto as necessary and
24 appropriate to effectuate the intent of this ordinance.

25 **Section 6. Waiving Section 110.112, Ordinance Cde.**
26 Section 110.112 (Advance of City funds; prohibition against), Part
27 1 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*,
28 is hereby waived to allow for a partial advance payment as
29 described in the Agreement.

30 **Section 7. Oversight Department.** The Neighborhoods
31 Department, Environmental Quality Division, shall oversee the

1 Project.

2 **Section 8. Reports.** Annual reports shall be submitted by
3 Groundwork to the City's Environmental Protection Board on
4 September 15th of each year through September 30, 2023. A final
5 report shall be submitted at the conclusion of the Project.

6 **Section 9. Effective Date.** This ordinance shall
7 become effective upon signature by the Mayor or upon becoming
8 effective without the Mayor's signature.

9

10 Form Approved:

11

12 /s/ Paige H. Johnston

13 Office of General Counsel

14 Legislation Prepared By: Kealey West

15 GC-#1434106-v1-2021-242-E.docx